

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUSTIN VALENCIA,

Plaintiff,

-v.-

ACOUSTIC VIBES MUSIC, INC.,

Defendant.

USDC SDNY DOCUMENT
ELECTRONICALLY
FILED DOC #:
DATE FILED: **4/2/2025**

24 Civ. 6585 (JHR)

ORDER OF DISMISSAL

JENNIFER H. REARDEN, District Judge:

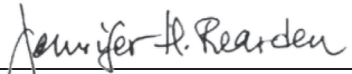
On August 30, 2024, Plaintiff Justin Valencia brought this action under the Americans with Disabilities Act of 1990. *See* ECF No. 1. Pursuant to Rule 4(c) of the Federal Rules of Civil Procedure, a “plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m).” Fed. R. Civ. P. 4(c)(1). Rule 4(m) requires that service be effected “within 90 days after the complaint is filed.” Fed. R. Civ. P. 4(m). The docket does not reflect that service has been effected on Defendant Acoustic Vibes Music, Inc. On December 5, 2024, the Court ordered Plaintiff to file, by December 19, 2024, a letter explaining why he had failed to serve the summons and Complaint. *See* ECF No. 5. The Court warned that, if Plaintiff failed to file a letter by that date showing good cause why such service was not made within the 90 days required by Rule 4(m), “**then the Court [might] dismiss the case without further notice.**” *Id.* (original emphasis). Plaintiff did not do so.

On February 18, 2025, the Court again ordered Plaintiff to file a letter explaining why he had failed to serve the summons and Complaint. *See* ECF No. 6. The Court directed Plaintiff to do so by February 25, 2025. Plaintiff did not respond to that Order, nor has Plaintiff filed anything else on the docket since filing his Complaint more than seven months ago.

Accordingly, the Complaint is DISMISSED without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: April 2, 2025
New York, New York



JENNIFER H. REARDEN
United States District Judge